

REMARKS

Claims 1-41 are currently pending in this application. Claims 1-24 are currently amended. Claims 25-41 are new. No new matter has been introduced by way of this amendment.

The Examiner objected to the specification. Applicant has amended the specification to include the application number of the cited applications. Accordingly, Applicant respectfully requests the Examiner to withdraw this objection.

The Examiner has rejected claims 1-3, 5-15 and 17-24 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,374,300 issued to Masters ("Masters") in view of U.S. Patent No. 6,453,360 issued to Muller, et al. ("Muller"). Applicant respectfully traverses the Examiner's rejections.

Independent claims 1 and 13, as amended, recite, "execute protocol stack instructions to form a data portion of a packet" (or similar language). The Examiner admits that Masters does not teach, suggest or motivate executing protocol stack instructions to form a data portion of a packet. The Examiner contends that this teaching is provided by Muller and that it would be obvious "to have utilized the step of executing the protocol stack instructions to process a packet of Muller in the process of forming a packet in Masters." The portion of Muller to which the Examiner points, however, does not teach, suggest or motivate executing protocol stack instructions to form a data portion of a packet as recited. The Examiner points to Muller at column 11, lines 53-54, which recites, "in another embodiment the protocol headers may be processed by a processor located on NIC 100." The cited portion of Muller thus refers to processing protocol headers, and not the data portions of a packet. Using the protocol stack to form a data portion of a packet facilitates efficient migration of an existing connection. See, Specification at 37-40. In fact, Muller subsequently makes it clear that only the header portions are processed by the protocol stack: "Meanwhile, the header portions of the re-assembled packets may similarly be processed as a group through their appropriate protocol stack." Muller, column 12, lines 23-25. Accordingly, Applicant respectfully submits that claims 1 and 13, as well as claims 2-3 and 5-12 that depend from claim 1 and claims 14-15 and 17-24 that depend from claim 13, are not rendered obvious by Masters, alone or in combination with Muller, because

Masters and Muller do not teach, suggest or motivate executing protocol stack instructions to form a data portion of a packet.

The Examiner rejected claims 4 and 16 under 35 U.S.C. § 103(a) as obvious over Masters and Muller in view of admitted prior art. Applicant respectfully traverses the Examiner's rejections. Claim 4 depends from claim 1, and claim 16 depends from claim 13. Thus, claims 4 and 16 are allowable at least by virtue of their dependencies on claims 1 and 13, respectively.

New independent claims 25 and 35 recite, "executing protocol stack instructions to form a data portion of a packet" (or similar language). Accordingly, Applicant respectfully submits that claims 25 and 35, as well as claims 26-34 that depend from claim 25 and claims 36-41 that depend from claim 35, are not rendered obvious by Masters, alone or in combination with Muller, because Masters and Muller do not teach, suggest or motivate executing protocol stack instructions to form a data portion of a packet, as explained above.

Therefore, for these reasons and others, claims 1-41 are not rendered obvious by Masters, alone or in combination with Muller. In the event the Examiner disagrees or finds minor informalities, Applicant respectfully requests a telephone interview to discuss the Examiner's issues and to expeditiously resolve prosecution of this application. Accompanying this Amendment is a Request for Telephone Interview in the event the Examiner does not agree that the claims are allowable over the cited references.

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Reply to Office Action dated April 26, 2005

In closing, Applicant respectfully requests the Examiner to enter these amendments and to reconsider this application and its early allowance. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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TLB:rg

Enclosure:

Postcard

Applicant Initiated Interview Request Form

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